

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

FREEDOM COALITION OF DOCTORS FOR  
CHOICE,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL AND  
PREVENTION, AND DEPARTMENT OF  
HEALTH & HUMAN SERVICES,

Defendants.

Civil Action No. 2:23-cv-00102

**APPENDIX IN SUPPORT OF PLAINTIFF'S REPLY TO DEFENDANTS' RESPONSE  
TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND  
RESPONSE TO DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT**

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Defendants.

Civil Action No. 2:23-cv-00102

**DECLARATION OF ELIZABETH A. BREHM**

I, Elizabeth A. Brehm, Esq., declare as follows:

1. I am counsel for Plaintiff, Freedom Coalition of Doctors for Choice.
2. The purpose of this declaration is to support Plaintiff's Reply to its Motion for Summary Judgment and Opposition to Defendants' Cross-Motion for Summary Judgment.
3. I make this Declaration based upon my personal knowledge and information available to me in my professional capacity.
4. I served as counsel for the plaintiff in *Informed Consent Action Network v. CDC et al.*, 1:22-cv-481 (W.D. Tex. May 25, 2023), wherein the plaintiff was engaged in litigation against the Centers for Disease Control and Prevention and the Department of Health and Human Services regarding the plaintiff's FOIA request for all v-safe data.
5. As a result of that case, on June 1, 2023, the defendants produced to the plaintiff "three CSV files containing over 4.9 million free-text responses that V-safe participants submitted in response to V-safe's health check-in surveys between December 14, 2020, to July 14, 2021, that

have been converted from their original form into Medical Dictionary for Regulatory Activities (“MedDRA”) codes.” *See* Exhibit 1, a true and correct redacted copy of a letter from CDC dated June 1, 2023.

6. On October 13, 2023, the defendants in that case produced to the plaintiff “three CSV files containing over 240,000 thousand free-text responses that v-safe participants submitted in response to v-safe’s health check-in surveys between December 14, 2020, to September 06, 2021. ... [which were] converted from their original form into Medical Dictionary for Regulatory Activities (“MedDRA”) terms.” *See* Exhibit 2, a true and correct redacted copy of a letter from CDC dated October 13, 2023.

7. The plaintiff in that action anticipates receiving the remaining approximately 1.6 million entries within a reasonable timeframe.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury the foregoing to be true and correct, to the best of my knowledge, information and belief.

Executed this 8th day of December, 2023.



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Elizabeth A. Brehm

# **Exhibit 1**



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333

June 1, 2023

***SENT VIA EMAIL***

Aaron Siri  
Siri and Glimstad, LLP  
200 Park Avenue Seventeenth Floor  
New York, New York 10166  
Via email: aaron@sirillp.com

Dear Mr. Siri:

[REDACTED], enclosed are three CSV files containing over 4.9 million free-text responses that V-safe participants submitted in response to V-safe's health check-in surveys between December 14, 2020, to July 14, 2021, that have been converted from their original form into Medical Dictionary for Regulatory Activities ("MedDRA") codes. This data corresponds with three text fields in v-safe (healthcare\_visit\_other, symptoms\_description, systemic\_reaction\_other) and could have multiple MedDRA codes and up to two text fields.

The records are available to download at the link below (download access is open for 90 days):  
<https://centersfordiseasecontrol.sharefile.com/d-s0972bddb15e047b0b3a842f957cb8a52>

If you have any questions regarding your request, please contact U.S. Department of Justice attorney [REDACTED] who can be reached at [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Andoh".

Roger Andoh  
CDC/ATSDR FOIA Officer  
Office of the Chief Operating Officer  
Phone: (770) 488-6399  
Fax: (770) 488-6399

Enclosures  
22-00004-LT

## **Exhibit 2**



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333

October 13, 2023

***SENT VIA EMAIL***

Aaron Siri  
Siri and Glimstad, LLP  
200 Park Avenue Seventeenth Floor  
New York, New York 10166  
Via email: aaron@sirillp.com

Dear Mr. Siri:

[REDACTED], enclosed are three CSV files containing over 240,000 thousand free-text responses that v-safe participants submitted in response to v-safe's health check-in surveys between December 14, 2020, to September 06, 2021. These free text responses have been converted from their original form into Medical Dictionary for Regulatory Activities ("MedDRA") terms. This data corresponds with three text fields in v-safe (healthcare\_visit\_other, symptoms\_description, systemic\_reaction\_other). Each v-safe survey could have entries in up to two text fields, and each text field is coded to one or more MedDRA Terms.

The records are accessible for public download at the link provided below:

<https://data.cdc.gov/Public-Health-Surveillance/v-safe-COVID-19-MedDRA-coded-text-responses/5biu-jjj3>

If you have any questions regarding your request, please contact U.S. Department of Justice Attorney [REDACTED] who can be reached at [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Andoh".

Roger Andoh  
CDC/ATSDR FOIA Officer  
Office of the Chief Operating Officer  
Phone: (770) 488-6399  
Fax: (404) 235-1852

Enclosures  
22-00004-LT